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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA,) No. 3-05-70741 JCS
17 Plaintiff,) [PROPOSED] ORDER AND STIPULATION
18 v.) WAIVING A DETENTION HEARING
19 TARNISHIA PAUL,) WITHOUT PREJUDICE, WAIVING TIME
20 Defendant.) UNDER RULE 5.1 AND EXCLUDING
21) TIME FROM SEPTEMBER 29, 2005 TO
22) OCTOBER 28, 2005 FROM THE SPEEDY
23) TRIAL ACT CALCULATION
24) (18 U.S.C. § 3161(h)(8)(A))

25 The parties appeared before Judge Joseph C. Spero on September 29, 2005 and before Judge
26 James Larson on October 7, 2005. With the agreement of the parties, and with the consent of the
27 Defendant, the Court enters this order (1) scheduling a new preliminary hearing/arraignment date
1 of October 28, 2005 at 9:30 a.m., before the Honorable James Larson; (2) documenting the
2 Defendant's waiver of time limits under Federal Rule of Criminal Procedure 5.1; (3)
3 documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A), from
4 September 29, 2005 to October 28, 2005; and (4) documenting the Defendant's waiver, without
5 prejudice, of her right to a detention hearing. The parties agreed, and the Court hereby holds, as
6 follows:

7 1. The Defendant waives the time limits for a preliminary hearing under Federal Rule of

8 STIP. & [PROPOSED] ORDER
9 C 3-05-70741 JCS

Criminal Procedure 5.1. The government has not yet been able to produce all of the discovery, and the parties are currently discussing a disposition of this case that may involve cooperation and/or agreement by the government not to proceed on certain possible charges. In addition, the defendant has recently suffered a personal loss that will take her attention from preparation and analysis of her case. Failure to grant the requested continuance would unreasonably deny both defense and government counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would deny the Defendant continuity of counsel.

2. Counsel for the defense believes that postponing the preliminary hearing is in his client's best interest, and that it is not in his client's interest for the United States to indict the case before October 28, 2005.

3. The Defendant agreed to an exclusion of time under the Speedy Trial Act. Failure to grant the requested continuance would unreasonably deny both government and defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would deny the Defendant continuity of counsel.

4. Given these circumstances, the Court finds that the ends of justice served by excluding the period from September 29, 2005 to October 28, 2005, outweigh the best interest of the public and the Defendant in a speedy trial. Id. § 3161(h)(8)(A).

5. Accordingly, and with the consent of the defendant, the Court orders that the period from September 29, 2005 to October 28, 2005, be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

6. The Defendant also waives her right to a detention hearing, without prejudice.

7. The Court hereby schedules a new preliminary hearing/arraignment date of October 28, 2005, at 9:30 a.m., before the Honorable James Larson.

IT IS SO STIPULATED

DATED: 10/11/05 /s/
TRACIE L. BROWN
Assistant United States Attorney

1 IT IS SO ORDERED.
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3 DATED: October 14, 2005
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